

TOBACCO CONTROL BOARD MEETING MINUTES

DECEMBER 18, 2003

The Tobacco Control Board met on December 18, 2003, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 6 - board members present, and 2 - board members absent - Dr. Clifton Johnson and Mr. Gene McKissic.

The Chairman opened the meeting with a "Welcome" to those attending. He introduced and welcomed Mr. John Hauge to the Board, who's replacing Mr. Toby Longino. Next he introduced Mr. Charlie Moulton, serving as Hearing Officer, and Ms. Rene' Allmond, as Court Reporter.

The Chairman then turned the meeting over to Mr. Moulton, who continued the Disciplinary Hearing segment of the meeting. The following cases were called before the Board:

Mr. Roland Darrow II, attorney for the Board, representing the Sales to Minors cases presented the Default Judgement List as of 12/18/2003.

After review by the members, a motion was made to accept the Default Judgement List dated December 18, 2003, with Sales to Minors cases being issued a maximum penalty. The motion was approved with 6 - Yes votes and 2 - Members absent.

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Mr. Darrow continued with the following cases:

Case 2004-0442 A/C Stores #2 Searcy, Arkansas
Permittee: Mr. Bob Allison

VIOLATION: §5-27-227(a)(1) Sales to Minor, 2nd Offense
Fine: \$200.00 and 1-day
suspension of permit.

The business was represented by Mr. Bob Allison, owner.

After hearing all the testimony presented, a motion was made to find the A/C Stores #2 in violation of §5-27-227(a)(1), apply the fine of \$200.00, and wave the suspension of permit. The motion was approved with 6 – Yes votes and 2 – Members absent.

Cases #: 2004-0638 Country Market #2206
Mt. View, Arkansas

Permittee: Mr. Ronnie Miller

VIOLATION: §5-27-227(a)(1) Sale to a Minor, 2nd Offense
Fine: \$200.00 and 1-day
suspension of permit.

The business was represented by Mr. Ronnie Miller, owner.

After consideration by the Board, a motion was made and approved to find Country Market #2206 in violation of §5-27-227(a)(1), issue the \$200.00 fine, and wave the suspension of permit with 6- Yes votes and 2 – Members absent.

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The Disciplinary Hearing segment of the meeting was concluded. Mr. Moulton turned the meeting back over to the Chairman.

Mr. Milburn continued the meeting by asking for approval of the November 20, 2003, board meeting minutes. A motion was made and approved to that effect with 6 – Yes votes and 2 – Members absent.

Mr. Charlie Davis, the Director, continued by presenting the “New Retail Permit Report” to the Board. He asked for a blanket approval of the “New Retail Permit Applications issued from November 20, 2003, through December 17, 2003”. A motion was made and approved to approve the permits as listed with 6– Yes votes and 2 – Members absent.

Next Mr. Davis reviewed and asked for a blanket approval of the “Notice of Hearing and Offers of Settlement accepted by the permittee from November 20, 2003, through December 17, 2003”. A motion was made and approved to approve the “Notice of Hearing and Offers of Settlement accepted by the Permittee from November 20, 2003, through December 17, 2003” with 6 – Yes votes and 2- Members absent.

The Director then “Addressed the Board”. He reviewed the November 2003 Complaints Reports.

He reviewed the “Statement of Financial Interest Packets” with the Board members. These are to be filed with the Secretary Of State’s Office no later than January 31, 2004.

Mr. Davis explained the board members should not receive 1099 Tax Reporting forms since they are reimbursed for expenses only.

He called upon Mr. Greg Sled, Enforcement Agent Supervisor, to explain the activity of the enforcement agents.

The Director then announced the agency office would be closed on Wednesday, December 24 and Thursday, December 25 for the Christmas Holiday. The office would also be closed on January 1st for the New Year’s Day holiday.

The Chairman called on Mr. Arnie Jochums, Board Attorney, to bring the Board up to date on any court activity.

The Chairman then opened the meeting for "Board Member Discussion" followed by "Comments from the Audience".

After Board discussion a motion was made and approved to request a legal opinion from the Attorney General on rebate programs being offered by cigarette and tobacco wholesalers to Arkansas retailers on all products except cigarettes and tobacco with 6 – Yes votes and 2 – Members absent.

Announcements included a reminder the meeting date has been changed. The Board previously voted to move the meeting date from the 3rd Thursday of the month to the 1st Thursday of the month starting on February 2004. The first Thursday in January is New Year's Day, therefore, the January meeting date will be held on the 8th.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by _____
Janis L. Campbell

December 26, 2003